
HOUSE BILL No. 1271

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-7; IC 4-15-10-1; IC 5-10.3-7-2; IC 5-14-3-2; IC 6-1.1; IC 6-6-5-7; IC 9-13-2; IC 9-14; IC 9-15; IC 9-16; IC 9-18; IC 9-24-2.5; IC 9-29; IC 34-13-3-2; IC 36-1-8-11; IC 36-2-10-23.

Synopsis: Bureau of motor vehicles issues. Establishes certain protections for employees of the bureau of motor vehicles commission who report violations of federal, state, or local laws or the misuse of public resources. Requires the commission to adopt a disciplinary personnel policy by rule that provides that if the result of a disciplinary appeal is not agreeable to the employee, the employee is entitled to institute a civil suit for a further appeal of the discipline, and that a prevailing employee is entitled to costs of the action. Abolishes the commission effective January 1, 2005. Transfers duties performed by the commission to the bureau of motor vehicles or to the commissioner of the bureau of motor vehicles. Repeals various provisions referring to the commission. Repeals certain criminal penalties relating to violation of the duties of the office of commissioner of the bureau and to certain of the bureau's record keeping and dissemination requirements.

Effective: Upon passage; July 1, 2004; January 1, 2005.

Liggett

January 15, 2004, read first time and referred to Committee on Labor and Employment.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE BILL No. 1271

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-7-14-3 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2004]: Sec. 3. **(a) Before January 1, 2005**, the
3 bureau of motor vehicles commission is the state's motor vehicle
4 authority for purposes of NVRA.

5 **(b) After December 31, 2004, the bureau of motor vehicles is the**
6 **state's motor vehicle authority for purposes of NVRA.**

7 SECTION 2. IC 3-7-26.3-18, AS ADDED BY P.L.209-2003,
8 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2004]: Sec. 18. **(a)** As required under 42 U.S.C. 15483, the
10 secretary of state, the co-directors of the election division, and the
11 bureau of motor vehicles commission shall enter into an agreement to
12 match information in the computerized list data base with information
13 in the data base of the bureau of motor vehicles commission to enable
14 the election division (acting on behalf of the secretary of state) and the
15 commission to verify the accuracy of the information provided on voter
16 registration applications. **This subsection does not apply after**
17 **December 31, 2004.**

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(b) This subsection applies after December 31, 2004. As required under 42 U.S.C. 15483, the secretary of state, the co-directors of the election division, and the bureau of motor vehicles shall enter into an agreement to match information in the computerized list data base with information in the data base of the bureau of motor vehicles to enable the election division (acting on behalf of the secretary of state) and the bureau to verify the accuracy of the information provided on voter registration applications.

SECTION 3. IC 3-7-26.3-19, AS ADDED BY P.L.209-2003, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 19. (a) As required under 42 U.S.C. 15483, the bureau of motor vehicles commission shall enter into an agreement with the Commissioner of Social Security under 42 U.S.C. 405(r)(8)(A) to verify information set forth on voter registration applications. **This subsection does not apply after December 31, 2004.**

(b) This subsection applies after December 31, 2004. As required under 42 U.S.C. 15483, the bureau of motor vehicles shall enter into an agreement with the Commissioner of Social Security under 42 U.S.C. 405(r)(8)(A) to verify information set forth on voter registration applications.

(c) The following information is subject to verification under this section:

(1) Whether the name (including the first name and any family forename or surname), date of birth (including month, day, and year), and Social Security number of an individual provided to the Commissioner of Social Security match the information contained in the Commissioner's records.

(2) Whether the individual is shown in the records of the Commissioner of Social Security as deceased.

SECTION 4. IC 3-7-32-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) This section does not apply to a registration by mail form.

(b) Each voter applying to register at the county voter registration office shall, upon completing the voter registration form, receive a notice of disposition stating whether the voter's name has been added to the registration rolls if the application is approved.

(c) Each voter applying to register before ~~a~~ the bureau of motor vehicles commission **(before January 1, 2005), the bureau of motor vehicles (after December 31, 2004), or a** voter registration agency shall, upon completing the voter registration application form, receive a registration acknowledgement stating that the registration form will be forwarded to the appropriate county voter registration office so that

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the voter's name may be added to the registration rolls if the application is approved.

SECTION 5. IC 3-7-34-5, AS AMENDED BY P.L.209-2003, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) If a registration form contains all of the information required to be supplied by the voter, but does not include the information required to be supplied by the bureau of motor vehicles commission **(before January 1, 2005), the bureau of motor vehicles (after December 31, 2004)**, or a voter registration agency, the county voter registration office shall promptly make one (1) effort to contact the officer, commission, **bureau**, or agency to obtain the information.

(b) This subsection applies after December 31, 2005. If the information is not obtained from the officer, ~~commission~~, **bureau**, or agency under subsection (a) not later than seven (7) days after the county voter registration office provides the notice, the county voter registration office shall notify the NVRA official. The NVRA official shall contact the officer, ~~commission~~, **bureau**, or agency to request that the information be provided to the county voter registration office or that the officer, ~~commission~~, **bureau**, or agency file a statement with the county voter registration office indicating why the information is not available.

SECTION 6. IC 3-7-34-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. (a) The circuit court clerk or board of registration shall certify to the county election board a list of the registration forms that have been processed under section 6 of this chapter but do not contain information required to be supplied by the bureau of motor vehicles commission **(before January 1, 2005), the bureau of motor vehicles (after December 31, 2004)**, or a voter registration agency.

(b) The county election board shall notify the **bureau of motor vehicles** commission **(before January 1, 2005), the bureau of motor vehicles (after December 31, 2004)**, or the voter registration agency by United States first class mail that the commission or agency is required to supply the omitted information not later than thirty (30) days after the date of the letter.

SECTION 7. IC 4-15-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter:

"Agency" means any state administration, agency, authority, board, bureau, commission, committee, council, department, division, institution, office, service, or other similar body of state government created or established by law. However, the term does not include **the**

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1 following:

2 (1) State colleges and universities.

3 **(2) Before January 1, 2005, the bureau of motor vehicles**
 4 **commission, unless the bureau of motor vehicles commission**
 5 **has decided to be under the jurisdiction and rules adopted by**
 6 **the state ethics commission, as provided in IC 9-15-2-2.2(a)(2).**

7 "Appointing authority" means the individual or group of individuals
 8 who have the power by law or by lawfully delegated authority to make
 9 appointment to a position in an agency.

10 "Employee" means an employee of an agency except an elected
 11 official.

12 "Supervisor" means an individual who oversees the daily activity of
 13 an employee.

14 SECTION 8. IC 5-10.3-7-2 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. The following
 16 employees may not be members of the fund:

17 (1) Officials of a political subdivision elected by vote of the
 18 people, unless the governing body specifically provides for the
 19 participation of locally elected officials.

20 (2) Employees occupying positions normally requiring
 21 performance of service of less than six hundred (600) hours
 22 during a year who:

23 (A) were hired before July 1, 1982; or

24 (B) are employed by a participating school corporation.

25 (3) Independent contractors or officers or employees paid wholly
 26 on a fee basis.

27 (4) Employees who occupy positions that are covered by other
 28 pension or retirement funds or plans, maintained in whole or in
 29 part by appropriations by the state or a political subdivision,
 30 except:

31 (A) the federal Social Security program; and

32 (B) the prosecuting attorneys retirement fund created by
 33 IC 33-14-9.

34 (5) **Before January 1, 2005, managers or employees of a license**
 35 **branch of the bureau of motor vehicles commission, except those**
 36 **persons who may be included as members under IC 9-16-4.**

37 (6) Employees, except employees of a participating school
 38 corporation, hired after June 30, 1982, occupying positions
 39 normally requiring performance of service of less than one
 40 thousand (1,000) hours during a year.

41 (7) Persons who:

42 (A) are employed by the state;

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(B) have been classified as federal employees by the Secretary of Agriculture of the United States; and

(C) are covered by the federal Social Security program as federal employees under 42 U.S.C. 410.

(8) Members and employees of the state lottery commission.

SECTION 9. IC 5-14-3-2, AS AMENDED BY P.L.261-2003, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. As used in this chapter:

"Copy" includes transcribing by handwriting, photocopying, xerography, duplicating machine, duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage, and reproducing by any other means.

"Direct cost" means one hundred five percent (105%) of the sum of the cost of:

- (1) the initial development of a program, if any;
- (2) the labor required to retrieve electronically stored data; and
- (3) any medium used for electronic output;

for providing a duplicate of electronically stored data onto a disk, tape, drum, or other medium of electronic data retrieval under section 8(g) of this chapter, or for reprogramming a computer system under section 6(c) of this chapter.

"Electronic map" means copyrighted data provided by a public agency from an electronic geographic information system.

"Enhanced access" means the inspection of a public record by a person other than a governmental entity and that:

- (1) is by means of an electronic device other than an electronic device provided by a public agency in the office of the public agency; or
- (2) requires the compilation or creation of a list or report that does not result in the permanent electronic storage of the information.

"Facsimile machine" means a machine that electronically transmits exact images through connection with a telephone network.

"Inspect" includes the right to do the following:

- (1) Manually transcribe and make notes, abstracts, or memoranda.
- (2) In the case of tape recordings or other aural public records, to listen and manually transcribe or duplicate, or make notes, abstracts, or other memoranda from them.
- (3) In the case of public records available:
 - (A) by enhanced access under section 3.5 of this chapter; or
 - (B) to a governmental entity under section 3(c)(2) of this chapter;

to examine and copy the public records by use of an electronic

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device.

(4) In the case of electronically stored data, to manually transcribe and make notes, abstracts, or memoranda or to duplicate the data onto a disk, tape, drum, or any other medium of electronic storage.

"Investigatory record" means information compiled in the course of the investigation of a crime.

"Patient" has the meaning set out in IC 16-18-2-272(d).

"Person" means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity.

"Provider" has the meaning set out in IC 16-18-2-295(a) and includes employees of the state department of health or local boards of health who create patient records at the request of another provider or who are social workers and create records concerning the family background of children who may need assistance.

"Public agency" means the following:

(1) Any board, commission, department, division, bureau, committee, agency, office, instrumentality, or authority, by whatever name designated, exercising any part of the executive, administrative, judicial, or legislative power of the state.

(2) Any:

(A) county, township, school corporation, city, or town, or any board, commission, department, division, bureau, committee, office, instrumentality, or authority of any county, township, school corporation, city, or town;

(B) political subdivision (as defined by IC 36-1-2-13); or

(C) other entity, or any office thereof, by whatever name designated, exercising in a limited geographical area the executive, administrative, judicial, or legislative power of the state or a delegated local governmental power.

(3) Any entity or office that is subject to:

(A) budget review by either the department of local government finance or the governing body of a county, city, town, township, or school corporation; or

(B) an audit by the state board of accounts.

(4) Any building corporation of a political subdivision that issues bonds for the purpose of constructing public facilities.

(5) Any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or the committees of any such staff.

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(6) Any law enforcement agency, which means an agency or a department of any level of government that engages in the investigation, apprehension, arrest, or prosecution of alleged criminal offenders, such as the state police department, the police or sheriff's department of a political subdivision, prosecuting attorneys, members of the excise police division of the alcohol and tobacco commission, conservation officers of the department of natural resources, and the security division of the state lottery commission.

(7) **Before January 1, 2005**, any license branch staffed by employees of the bureau of motor vehicles commission under IC 9-16.

(8) The state lottery commission, including any department, division, or office of the commission.

(9) The Indiana gaming commission established under IC 4-33, including any department, division, or office of the commission.

(10) The Indiana horse racing commission established by IC 4-31, including any department, division, or office of the commission.

"Public record" means any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics.

"Standard-sized documents" includes all documents that can be mechanically reproduced (without mechanical reduction) on paper sized eight and one-half (8 1/2) inches by eleven (11) inches or eight and one-half (8 1/2) inches by fourteen (14) inches.

"Trade secret" has the meaning set forth in IC 24-2-3-2.

"Work product of an attorney" means information compiled by an attorney in reasonable anticipation of litigation and includes the attorney's:

(1) notes and statements taken during interviews of prospective witnesses; and

(2) legal research or records, correspondence, reports, or memoranda to the extent that each contains the attorney's opinions, theories, or conclusions.

This definition does not restrict the application of any exception under section 4 of this chapter.

SECTION 10. IC 6-1.1-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. Except as otherwise

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provided by law, the property owned by this state, a state agency, or the bureau of motor vehicles commission (**before January 1, 2005**) is exempt from property taxation.

SECTION 11. IC 6-1.1-11-4, AS AMENDED BY P.L.14-2000, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) The exemption application referred to in section 3 of this chapter is not required if the exempt property is owned by the United States, the state, an agency of this state, or a political subdivision (as defined in IC 36-1-2-13). However, this subsection applies only when the property is used, and in the case of real property occupied, by the owner.

(b) The exemption application referred to in section 3 of this chapter is not required if the exempt property is a cemetery:

(1) described by IC 6-1.1-2-7; or

(2) maintained by a township executive under IC 23-14-68.

(c) **Before January 1, 2005**, the exemption application referred to in section 3 of this chapter is not required if the exempt property is owned by the bureau of motor vehicles commission established under IC 9-15-1.

(d) The exemption application referred to in section 3 of this chapter is not required if:

(1) the exempt property is:

(A) tangible property used for religious purposes described in IC 6-1.1-10-21; or

(B) tangible property owned by a church or religious society used for educational purposes described in IC 6-1.1-10-16; and

(2) the exemption application referred to in section 3 of this chapter was filed properly at least once after the property was designated for a religious use as described in IC 6-1.1-10-21 or an educational use as described in IC 6-1.1-10-16.

However, if title to any of the real property subject to the exemption changes or any of the tangible property subject to the exemption is used for a nonexempt purpose after the date of the last properly filed exemption application, this subsection does not apply.

SECTION 12. IC 6-6-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. (a) In respect to a vehicle that has been acquired, or brought into the state, or for any other reason becomes subject to registration after the regular annual registration date in the year on or before which the owner of the vehicle is required, under the motor vehicle registration laws of Indiana, to register vehicles, the tax imposed by this chapter shall become due and payable at the time the vehicle is acquired, brought into the state, or otherwise

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becomes subject to registration and the amount of tax to be paid by the owner for the remainder of the year shall be reduced by ten percent (10%) for each full calendar month that has elapsed since the regular annual registration date in the year fixed by the motor vehicle registration laws for annual registration by the owner. The tax shall be paid at the time of the registration of the vehicle.

(b) In the case of a vehicle that is acquired, or brought into the state, or for any other reason becomes subject to registration after January 1 of any year, then the owner may pay the applicable registration fee on the vehicle as provided in the motor vehicle registration laws and any excise tax due on the vehicle for the remainder of the annual registration year and simultaneously register the vehicle and pay the applicable registration fee and the excise tax due for the next succeeding annual registration year.

(c) Except as provided in subsection (f), no reduction in the applicable annual excise tax will be allowed to an Indiana resident applicant upon registration of any vehicle that was owned by the applicant on or prior to the registrant's annual registration period. A vehicle owned by an Indiana resident applicant that was located in and registered for use in another state during the same calendar year shall be entitled to the same reduction when registered in Indiana.

(d) The owner of a vehicle who sells the vehicle in a year in which the owner has paid the tax imposed by this chapter, shall receive a credit equal to the remainder of:

- (1) the tax paid for the vehicle; reduced by
- (2) ten percent (10%) for each full or partial calendar month that has elapsed in the registrant's annual registration year before the date of the sale.

The credit shall be applied to the tax due on any other vehicle purchased or subsequently registered by the owner in the same registrant's annual registration year. If the credit is not fully used and the amount of the credit remaining is at least four dollars (\$4), the owner is entitled to a refund in the amount of the unused credit. The owner must pay a fee of three dollars (\$3) to the bureau to cover costs of providing the refund, which may be deducted from the refund. The bureau shall issue the refund. **Before January 1, 2005**, the bureau shall transfer to the bureau of motor vehicles commission three dollars (\$3) of the fee to cover the commission's costs in processing the refund. To claim the credit and refund provided by this subsection, the owner of the vehicle must present to the bureau proof of sale of the vehicle.

(e) Subject to the requirements of subsection (g), the owner of a vehicle that is destroyed in a year in which the owner has paid the tax

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imposed by this chapter, which vehicle is not replaced by a replacement vehicle for which a credit is issued under this section, shall receive a refund in an amount equal to ten percent (10%) of the tax paid for each full calendar month remaining in the registrant's annual registration year after the date of destruction, but only upon presentation or return to the bureau of the following:

- (1) A request for refund on a form furnished by the bureau.
- (2) A statement of proof of destruction on an affidavit furnished by the bureau.
- (3) The license plate from the vehicle.
- (4) The registration from the vehicle.

However, the refund may not exceed ninety percent (90%) of the tax paid on the destroyed vehicle. The amount shall be refunded by a warrant issued by the auditor of the county that received the excise tax revenue and shall be paid out of the special account created for settlement of the excise tax collections under IC 6-6-5-10. For purposes of this subsection, a vehicle is considered destroyed if the cost of repair of damages suffered by the vehicle exceeds the vehicle's fair market value.

(f) If the name of the owner of a vehicle is legally changed and the change has caused a change in the owner's annual registration date, the excise tax liability of the owner shall be adjusted as follows:

- (1) If the name change requires the owner to register sooner than the owner would have been required to register if there had been no name change, the owner shall, at the time the name change is reported, be authorized a refund from the county treasurer in the amount of the product of:

- (A) ten percent (10%) of the owner's last preceding annual excise tax liability; and
- (B) the number of full calendar months between the owner's new regular annual registration month and the next succeeding regular annual registration month that is based on the owner's former name.

- (2) If the name change required the owner to register later than the owner would have been required to register if there had been no name change, the vehicle shall be subject to excise tax for the period between the month in which the owner would have been required to register if there had been no name change and the new regular annual registration month in the amount of the product of:

- (A) ten percent (10%) of the owner's excise tax liability computed as of the time the owner would have been required to register if there had been no name change; and

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(B) the number of full calendar months between the month in which the owner would have been required to register if there had been no name change and the owner's new regular annual registration month.

(g) In order to claim a credit under subsection (e) for a vehicle that is destroyed, the owner of the vehicle must present to the bureau of motor vehicles a valid registration for the vehicle within ninety (90) days of the date that it was destroyed. The bureau shall then fix the amount of the credit that the owner is entitled to receive.

SECTION 13. IC 9-13-2-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 32. "Commission," **before January 1, 2005**, refers to the bureau of motor vehicles commission.

SECTION 14. IC 9-13-2-154 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 154. "Restricted license" means any current driving license on which ~~the commission has designated~~ restrictions **have been designated under this title.**

SECTION 15. IC 9-13-2-176.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 176.5. "Supervisor", for purposes of IC 9-15-2, has the meaning set forth in IC 9-15-2-0.5.**

SECTION 16. IC 9-14-1-4, AS AMENDED BY P.L.181-1999, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) The commissioner shall appoint and fix, subject to the approval of the governor, the salaries of the:

- (1) deputies;
- (2) subordinate officers;
- (3) clerks;
- (4) **license branch managers and license branch employees after December 31, 2004;** and
- (5) other employees necessary to carry out this title, IC 6-6-5, IC 6-6-5.5, and IC 6-6-11.

(b) **Subject to the approval of the governor, after December 31, 2004, the commissioner shall manage license branches and all equipment and funds necessary to carry out this title.**

SECTION 17. IC 9-14-2-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 0.5. After December 31, 2004, the bureau shall do the following:**

- (1) **Develop and continuously update the bureau's policies.**
- (2) **Recommend to the governor legislation that is needed to implement the bureau's policies.**

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(3) Review, revise, adopt, and submit to the budget agency budget proposals for the bureau and the license branches operated under IC 9-16.

(4) Establish the determination criteria and determine the number and location of license branches to be operated under IC 9-16. However, there must be at least one (1) full service license branch in each county.

(5) Establish and adopt minimum standards for the operation and maintenance of each full service license branch operated under IC 9-16.

(6) Administer the state license branch fund established under IC 9-29-14.

SECTION 18. IC 9-14-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. The commissioner shall do the following:

(1) Administer and enforce this title and other statutes concerning the bureau.

(2) **Before January 1, 2005:**

(A) administer and enforce the policies and procedures of the commission;

~~(3) Organize the bureau in the manner necessary to carry out the duties of the bureau.~~

~~(4) (B)~~ submit to the commission, before September 1 of each year, budget proposals for the bureau, including license branches staffed by employees of the commission under IC 9-16; and

~~(5) (C)~~ perform other duties assigned by the commission.

(3) Organize the bureau in the manner necessary to carry out the duties of the bureau.

(4) Administer all license branches in Indiana under this article.

(5) Administer the collection and deposit of service charges by license branches prescribed by IC 9-29-3.

(6) Contract with a qualified person for the operation of a full service license branch when it appears to be in the best interests of the state.

SECTION 19. IC 9-14-2-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3.5. After December 31, 2004, the bureau may contract for the operation of full service license branches under IC 9-16-1-4 and partial services under IC 9-16-1-4.5.

SECTION 20. IC 9-14-3-5, AS AMENDED BY P.L.261-2003,

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SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) Except as provided in subsection (b), (c), or (d), the bureau shall prepare and deliver information on titles, registrations, and licenses and permits upon the request of any person. All requests must be submitted in writing to the bureau and, unless exempted under IC 9-29, must be accompanied by the payment of the fee prescribed in IC 9-29-2-2.

(b) The bureau shall not disclose:

- (1) the Social Security number;
- (2) the federal identification number;
- (3) the driver's license number;
- (4) the digital image of the driver's license applicant;
- (5) a reproduction of the signature secured under IC 9-24-9-1 or IC 9-24-16-3; or
- (6) medical or disability information;

of any person except to a law enforcement officer or an agent or a designee of the department of state revenue or for uses permitted under IC 9-14-3.5-10(1), IC 9-14-3.5-10(4), IC 9-14-3.5-10(6), and IC 9-14-3.5-10(9).

(c) As provided under 42 U.S.C. 1973gg-3(b), the commission **(before January 1, 2005) and the bureau (after December 31, 2004)** may not disclose any information concerning the failure of an applicant for a motor vehicle driver's license to sign a voter registration application, except as authorized under IC 3-7-14.

(d) The commission **(before January 1, 2005) and the bureau (after December 31, 2004)** may not disclose any information concerning the failure of an applicant for a title, registration, license, or permit (other than a motor vehicle license described under subsection (c)) to sign a voter registration application, except as authorized under IC 3-7-14.

SECTION 21. IC 9-14-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) Upon the submission to the bureau of a specific written request from an individual or organization for a compilation of specific information requested for the purposes described in subsection (c), the bureau may contract with the individual or organization to compile the requested information from the records of the bureau.

(b) The bureau may charge an amount agreeable to the parties, as described in IC 9-29-2-3.

(c) An individual or organization making a request under this section must certify one (1) of the following:

- (1) That the information is required for the purposes of notifying

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vehicle owners of vehicle defects and recall for modifications, and that the individual or organization will use the information provided only for that purpose.

(2) That the information will be used only for research or statistical reporting purposes and that individual identities will be properly protected in the preparation of the research or reports and not ascertainable from the published reports or research results.

(3) That the information will be used for the purpose of documenting the sale of motor vehicles in Indiana.

(4) That the information will be used for purposes of the federal Selective Service System.

(5) That the information will be used solely for law enforcement purposes by police officers.

(d) The commission **(before January 1, 2005) and the bureau (after December 31, 2004)** may not compile or release information concerning voter registration under this section.

(e) The bureau shall provide the requested information under this section in a format that is agreeable to the parties, including the following formats:

- (1) Printed records.
- (2) Microfiche.
- (3) Computer disk.

SECTION 22. IC 9-14-3.5-7, AS AMENDED BY P.L.39-2000, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. (a) Except as provided in sections 8, 10, and 11 of this chapter:

- (1) an officer or employee of the bureau;
- (2) **before January 1, 2005**, an officer, ~~or an employee, or a contractor (or an officer or employee of a contractor)~~ of the bureau of motor vehicles commission; or
- (3) a contractor of the bureau ~~or the bureau of motor vehicles commission~~ (or an officer or employee of the contractor);

may not knowingly disclose personal information about a person obtained by the bureau in connection with a motor vehicle record.

(b) A person's Social Security number shall not be in any way disclosed on a motor vehicle registration.

SECTION 23. IC 9-15-2-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. As used in this chapter, "supervisor" means an individual who oversees the daily activity of an employee.**

SECTION 24. IC 9-15-2-3 IS ADDED TO THE INDIANA CODE

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AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) If the commission has established a code of ethics for its employees under section 2.2(a) of this chapter, an employee of the commission may submit a written report to the employee's supervisor or a commission employee with authority greater than the employee's supervisor concerning the existence of a violation of a federal law or regulation, a violation of a state law or rule, a violation of an ordinance of a county or municipality (as defined in IC 36-1-2-11), or the misuse of public resources. However, if:

(1) the employee believes that the supervisor and the commission employee with authority greater than the employee's supervisor are committing a violation or misusing public resources; or

(2) the employee reports the suspected violation or misuse to the supervisor or commission employee with authority greater than the employee's supervisor and a good faith effort is not made to correct the problem within a reasonable time;

the employee may submit a written report of the violation or misuse to any person, agency, commission, or organization.

(b) If an employee submits a report under subsection (a), the employee may not:

(1) be dismissed from employment;

(2) have salary increases or employment related benefits withheld;

(3) be transferred or reassigned;

(4) be denied a promotion the employee otherwise would have received; or

(5) be demoted;

solely for submitting the report.

(c) Notwithstanding subsections (a) and (b), an employee must make a reasonable attempt to ascertain the accuracy of any information submitted in a report and may be subject to disciplinary actions, including suspension or dismissal, for knowingly furnishing false information, as determined by the employee's supervisor.

(d) An employee disciplined under subsection (c) may appeal the disciplinary action under the procedure set forth in a personnel policy adopted by a rule of the commission. The rule must provide that, if the result of the decision reached in the appeal is not agreeable to the employee, the employee may institute a civil action to appeal the disciplinary action. The preferred venue for the civil

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1 action is in the county in which the employee is employed.

2 (e) If the employee prevails in a civil action brought under
3 subsection (d), the court shall allow the employee reasonable
4 attorney's fees, including litigation expenses, and costs.

5 SECTION 25. IC 9-16-1-1 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. As used in this
7 chapter, "qualified person" means any of the following:

8 (1) A motor club that is any of the following:

9 (A) A domestic corporation.

10 (B) A foreign corporation qualified to transact business in
11 Indiana under IC 23-1 or IC 23-17.

12 (2) A financial institution (as defined in IC 28-1-1-3).

13 (3) A new motor vehicle dealer licensed under IC 9-23-2.

14 (4) Other persons, including persons licensed under IC 9-23-2
15 that are not covered by subdivision (3), that:

16 (A) before January 1, 2005, the commission determines can
17 meet the standards adopted by the commission under
18 IC 9-15-2-1(7) and the requirements for partial service
19 contractors under section 4.5 of this chapter; and

20 (B) after December 31, 2004, the bureau determines can
21 perform the duties set forth in IC 9-14.

22 SECTION 26. IC 9-16-1-2 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. The commission
24 (before January 1, 2005) and the commissioner (after December
25 31, 2004) shall operate or be responsible for the administration of all
26 license branches in Indiana under this article.

27 SECTION 27. IC 9-16-1-3 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) License branches
29 have all the powers and duties assigned to license branches by statute
30 and by the commissioner.

31 (b) The commissioner shall assign to license branches those
32 functions that:

33 (1) the commission (before January 1, 2005) or the bureau is
34 legally required or authorized to perform; and

35 (2) cannot be adequately performed by the commission (before
36 January 1, 2005) or the bureau without assistance from the
37 license branches.

38 SECTION 28. IC 9-16-1-4 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) Before January
40 1, 2005, the commission may contract with a qualified person for:

41 (1) the operation of a full service license branch under this
42 section; or

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(2) ~~providing the provision of~~ partial services through electronic means under section 4.5 of this chapter.

(b) **After December 31, 2004, the bureau may enter into a contract described in subsection (a).**

(c) A contract for the operation of a full service license branch must include the following provisions:

(1) The contractor shall provide a full service license branch, including the following services:

(A) Vehicle titles.

(B) Vehicle registration.

(C) Driver's licenses.

(D) Voter registration as provided in IC 3-7.

(2) The contractor shall provide trained personnel to properly process branch transactions.

(3) The contractor shall do the following:

(A) Collect and transmit all bureau fees and taxes collected at the license branch.

(B) Deposit the taxes collected at the license branch with the county treasurer in the manner prescribed by IC 6-3.5 or IC 6-6-5.

(4) The contractor shall generate a transaction volume sufficient to justify the installation of bureau support systems.

(5) The contractor shall provide fidelity bond coverage in an amount prescribed by the commission **(before January 1, 2005) or the bureau (after December 31, 2004).**

(6) The contractor may operate the license branch within a facility used for other purposes.

(7) The contractor shall pay the cost of any post audits conducted by the commission **(before January 1, 2005), the bureau (after December 31, 2004),** or the state board of accounts on an actual cost basis.

(8) The commission **(before January 1, 2005) or the bureau (after December 31, 2004)** shall provide support systems and driver's license examiners on the same basis as state operated branches.

(9) The commission **(before January 1, 2005) or the bureau (after December 31, 2004)** shall provide the same equipment to contractors as is provided to state operated branches.

(10) The commission **(before January 1, 2005) or the bureau (after December 31, 2004)** must approve each location and physical facility based upon criteria developed by the commission **or bureau.**

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(11) The term of the contract must be for a fixed period.

(12) The contractor shall agree to provide voter registration services and to perform the same duties imposed on the commission **(before January 1, 2005) or the bureau (after December 31, 2004)** under IC 3-7.

SECTION 29. IC 9-16-1-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4.5. (a) The commission **(before January 31, 2005) or the bureau (after December 31, 2004)** may contract with a qualified person to provide partial services at a qualified person's walk-up location, including locations within a facility used for other purposes, such as electronic titling and title application services and self-serve terminal access, through electronic means.

(b) A contract for providing motor vehicle registration and renewal services at a walk-up location **partial services through electronic means** must include the following provisions:

~~(1)~~ The contractor must provide trained personnel to properly process motor vehicle registration and renewal transactions:

~~(2)~~ (1) The contractor shall do the following:

(A) Collect and transmit all bureau fees and taxes collected at the contract location.

(B) Deposit the taxes collected at the contract location with the county treasurer in the manner prescribed by IC 6-3.5 or IC 6-6-5.

~~(3)~~ (2) The contractor shall provide fidelity bond coverage in an amount prescribed by the commission **(before January 1, 2005) or the bureau (after December 31, 2004)**.

~~(4)~~ (3) The contractor shall pay the cost of any post audits conducted by the commission **(before January 1, 2005), the bureau (after December 31, 2004)**, or the state board of accounts on an actual cost basis.

~~(5)~~ (4) The commission **(before January 1, 2005) or the bureau (after December 31, 2004)** must approve each location and physical facility used by a contractor.

~~(6)~~ (5) The term of the contract must be for a fixed period.

SECTION 30. IC 9-16-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. The commission **(before January 1, 2005) or the bureau (after December 31, 2004)** shall offer voter registration services under this chapter, in addition to providing a voter registration application as a part of an application for a motor vehicle driver's license, permit, or identification card under IC 9-24-2.5 and 42 U.S.C. 1973gg-3.

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1 SECTION 31. IC 9-16-7-4 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. The registration
 3 forms provided under section 3 of this chapter must be:

4 (1) prescribed by the Indiana election commission to permit the
 5 NVRA official to fulfill the NVRA official's reporting duties
 6 under 42 U.S.C. 1973gg-7(a)(3) and IC 3-7-11-2; and

7 (2) placed in an easily accessible location within the branch, so
 8 that members of the public may obtain the forms without further
 9 assistance from **employees of the commission (before January**
 10 **1, 2005) or the bureau (after December 31, 2004).**

11 SECTION 32. IC 9-18-2-1, AS AMENDED BY P.L.181-1999,
 12 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2004]: Sec. 1. (a) Within sixty (60) days of becoming an
 14 Indiana resident, a person must register all motor vehicles owned by
 15 the person that:

16 (1) are subject to the motor vehicle excise tax under IC 6-6-5; and
 17 (2) will be operated in Indiana.

18 (b) Within sixty (60) days after becoming an Indiana resident, a
 19 person must register all commercial vehicles owned by the person that:

20 (1) are subject to the commercial vehicle excise tax under
 21 IC 6-6-5.5;
 22 (2) are not subject to proportional registration under the
 23 International Registration Plan; and
 24 (3) will be operated in Indiana.

25 (c) A person must produce evidence concerning the date on which
 26 the person became an Indiana resident.

27 (d) Except as provided in subsection (e), an Indiana resident must
 28 register all motor vehicles operated in Indiana.

29 (e) An Indiana resident who has a legal residence in a state that is
 30 not contiguous to Indiana may operate a motor vehicle in Indiana for
 31 not more than sixty (60) days without registering the motor vehicle in
 32 Indiana.

33 (f) An Indiana resident who has registered a motor vehicle in
 34 Indiana in any previous registration year is not required to register the
 35 motor vehicle, is not required to pay motor vehicle excise tax under
 36 IC 6-6-5 or the commercial vehicle excise tax under IC 6-6-5.5 on the
 37 motor vehicle, and is exempt from property tax on the motor vehicle for
 38 any registration year in which:

39 (1) the Indiana resident is:

40 (A) an active member of the armed forces of the United States;
 41 and
 42 (B) assigned to a duty station outside Indiana; and

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(2) the motor vehicle is not operated inside or outside Indiana.
 This subsection may not be construed as granting the bureau authority to require the registration of any vehicle that is not operated in Indiana.

(g) When an Indiana resident registers a motor vehicle in Indiana after the period of exemption described in subsection (f), the Indiana resident may submit an affidavit that:

(1) states facts demonstrating that the motor vehicle is a motor vehicle described in subsection (e); and

(2) is signed by the owner of the motor vehicle under penalties of perjury;

as sufficient proof that the owner of the motor vehicle is not required to register the motor vehicle during a registration year described in subsection (f). The commission **(before January 1, 2005)** or the bureau may not require the Indiana resident to pay any civil penalty or any reinstatement or other fee that is not also charged to other motor vehicles being registered in the same registration year.

SECTION 33. IC 9-18-29-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) The fee for an environmental license plate is as follows:

(1) The appropriate fee under IC 9-29-5-38.

(2) An annual fee of twenty-five dollars (\$25).

(b) The annual fee referred to in subsection (a)(2) shall be collected by the **commission (before January 1, 2005) or the bureau of motor vehicles commission (after December 31, 2004).**

SECTION 34. IC 9-18-30-4, AS AMENDED BY P.L.216-2003, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) The fee for a kids first trust license plate is as follows:

(1) The appropriate fee under IC 9-29-5-38.

(2) An annual fee of twenty-five dollars (\$25).

(b) The annual fee referred to in subsection (a)(2) shall be collected by the **commission (before January 1, 2005) or the bureau (after December 31, 2004).**

SECTION 35. IC 9-24-2.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. This chapter prescribes the procedures to be followed by the commission **(before January 1, 2005) or the bureau (after December 31, 2004)** in processing voter registration applications under 42 U.S.C. 1973gg-3 and IC 3-7-14.

SECTION 36. IC 9-24-2.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. The manager of each license branch may designate an employee of the license branch as the

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individual responsible for performing the voter registration duties of the commission **(before January 1, 2005) or the bureau (after December 31, 2004)** under this chapter at that license branch. The employee designated under this section shall supervise the registration of voters by other employees of the license branch and shall perform any other registration duty required to be performed by the license branch under this chapter. Notwithstanding this designation, any employee of the license branch may perform registration duties in accordance with this chapter.

SECTION 37. IC 9-24-2.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. If the manager does not designate an employee under section 2 of this chapter, the manager is the individual responsible for performing the voter registration duties of the commission **(before January 1, 2005) or the bureau (after December 31, 2004)** under this chapter at that license branch. The manager shall supervise the registration of voters by other employees of the license branch and shall perform any other registration duty required to be performed by the license branch under this chapter. Notwithstanding the designation of the manager under this section, any employee of the license branch may perform registration duties in accordance with this chapter.

SECTION 38. IC 9-24-2.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. (a) The co-directors of the election division shall provide the commission **(before January 1, 2005) or the bureau (after December 31, 2004)** with a list of the current addresses and telephone numbers of the offices of the circuit court clerk or board of registration in each county. The commission **or bureau** shall promptly forward the list and each revision of the list to each license branch.

(b) The co-directors of the election division shall provide the commission **or bureau** with pre-addressed packets for the commission **or bureau** to transmit applications under section 6(1) or 6(2) of this chapter.

SECTION 39. IC 9-24-2.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10. The co-directors of the election division shall notify the commission **(before January 1, 2005) or the bureau (after December 31, 2004)** of the following:

- (1) The scheduled date of each primary, general, municipal, and special election.
- (2) The jurisdiction in which the election will be held.
- (3) The date when registration ceases under IC 3-7-13-10 before each primary, general, municipal, and special election.

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SECTION 40. IC 9-24-2.5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. The commission **(before January 1, 2005) or the bureau (after December 31, 2004)** shall provide the co-directors of the election division with a list stating the following:

- (1) The address and telephone number of each license branch.
- (2) The name of the manager of the license branch and any employee designated by the manager to be responsible for performing voter registration duties under this chapter.

SECTION 41. IC 9-24-2.5-12, AS ADDED BY P.L.209-2003, SECTION 198, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 12. **(a)** As required under 42 U.S.C. 15483, the secretary of state (with the consent of the co-directors of the election division) and the commission shall enter into an agreement to match information in the computerized list established under IC 3-7-26.3 with information in the data base of the commission to enable the election division and the commission to verify the accuracy of the information provided on voter registration applications. **This subsection does not apply after December 31, 2004.**

(b) This subsection applies after December 31, 2004. As required under 42 U.S.C. 15483, the secretary of state (with the consent of the co-directors of the election division) and the bureau shall enter into an agreement to match information in the computerized list established under IC 3-7-26.3 with information in the data base of the bureau to enable the election division and the bureau to verify the accuracy of the information provided on voter registration applications.

SECTION 42. IC 9-24-2.5-13, AS ADDED BY P.L.209-2003, SECTION 199, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 13. (a) As required under 42 U.S.C. 15483, the commission shall enter into an agreement with the Commissioner of Social Security under 42 U.S.C. 405(r)(8)(A) to verify information set forth on voter registration applications. **This section does not apply after December 31, 2004.**

(b) This section applies after December 31, 2004. As required under 42 U.S.C. 15483, the bureau shall enter into an agreement with the Commissioner of Social Security under 42 U.S.C. 405(r)(8)(A) to verify information set forth on voter registration applications.

(c) The information subject to verification under this section is the following:

- (1) Whether the name (including the first name and any family

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forename or surname), date of birth (including month, day, and year), and Social Security number of an individual provided to the Commissioner of Social Security match the information contained in the Commissioner's records.

(2) Whether the individual is shown in the records of the Commissioner of Social Security as deceased.

~~(c)~~ (d) The agreement under subsection ~~(b)~~ (c) must comply with 42 U.S.C. 15481 and IC 3-7-26.3.

SECTION 43. IC 9-29-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) Money from the increases in fees levied by the 1969 regular session of the general assembly in IC 9-18-2, IC 9-18-5, IC 9-18-6, IC 9-18-7, IC 9-18-9, IC 9-18-10, IC 9-18-16, IC 9-24-3, IC 9-24-4, IC 9-24-5, IC 9-24-7, IC 9-24-8, IC 9-24-10, IC 9-24-11, IC 9-24-12, IC 9-24-13, IC 9-24-14, and IC 9-29-9-15 (IC 9-1-4 before its repeal on July 1, 1991) shall be deposited daily with the treasurer of state and credited to the highway, road, and street fund established under IC 8-14-2-2.1.

(b) For the purpose of providing adequate and sufficient funds for the crossroads 2000 fund established under IC 8-14-10-9, and subject to subsection ~~(c)~~, (d), after June 30, 1997, and before January 1, 2005, with the approval of the bureau of motor vehicles commission, the bureau of motor vehicles may adopt rules under IC 4-22-2 to increase, by an amount that is in addition to the fees specified by statute, the fees under the following:

IC 9-29-4-3
 IC 9-29-5
 IC 9-29-9-1
 IC 9-29-9-2
 IC 9-29-9-3
 IC 9-29-9-4
 IC 9-29-9-5
 IC 9-29-9-6
 IC 9-29-9-7
 IC 9-29-9-8
 IC 9-29-9-9
 IC 9-29-9-10
 IC 9-29-9-11
 IC 9-29-9-13
 IC 9-29-9-14
 IC 9-29-15-1
 IC 9-29-15-2
 IC 9-29-15-3

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1 IC 9-29-15-4.

2 The amount of fees increased under this section shall first be deposited
3 into the crossroads 2000 fund established under IC 8-14-10-9.

4 (c) **For the purpose of providing adequate and sufficient funds**
5 **for the crossroads 2000 fund established by IC 8-14-10-9, and**
6 **subject to subsection (d), the bureau of motor vehicles may adopt**
7 **after December 31, 2004, rules under IC 4-22-2 to increase, by an**
8 **amount that is in addition to the fees specified by statute, the fees**
9 **under the following:**

10 IC 9-29-4-3

11 IC 9-29-5

12 IC 9-29-9-1

13 IC 9-29-9-2

14 IC 9-29-9-3

15 IC 9-29-9-4

16 IC 9-29-9-5

17 IC 9-29-9-6

18 IC 9-29-9-7

19 IC 9-29-9-8

20 IC 9-29-9-9

21 IC 9-29-9-10

22 IC 9-29-9-11

23 IC 9-29-9-13

24 IC 9-29-9-14

25 IC 9-29-15-1

26 IC 9-29-15-2

27 IC 9-29-15-3

28 IC 9-29-15-4.

29 **The amount of fees increased under this section shall first be**
30 **deposited into the crossroads 2000 fund established by**
31 **IC 8-14-10-9.**

32 (d) The bureau's authority to adopt rules under subsection (b) is
33 subject to the condition that a fee increase must be uniform ~~through out~~
34 **throughout** all license branches and at all partial service locations in
35 Indiana.

36 SECTION 44. IC 9-29-3-19, AS AMENDED BY P.L.216-2003,
37 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2004]: Sec. 19. (a) As used in this section, "low numbered
39 motor vehicle registration plate" means any motor vehicle registration
40 plate numbered from one (1) to one hundred (100) before or after the
41 county designation number or letter series designation, or both.

42 (b) As used in this section, "pull service charge" refers to the charge

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that the commission may require for a requested low numbered motor vehicle registration plate or a special numbered motor vehicle registration plate.

(c) As used in this section, "special numbered motor vehicle registration plate" means any plate, other than a low numbered motor vehicle registration plate, requested for issuance out of its established numerical sequence.

(d) Subject to subsections (e) and (f) and, with the approval of the commission **(before January 1, 2005)**, the bureau may adopt rules under IC 4-22-2 to do the following:

(1) Increase or decrease any of the service charges listed in sections 1 through 18 of this chapter.

(2) Impose a service charge on any other license branch service that is not listed in sections 1 through 18 of this chapter.

(3) Increase or decrease a service charge imposed under subdivision (2).

(e) The bureau's authority to adopt rules under subsection (d) is subject to the condition that a service charge must be uniform throughout all license branches and at all partial service locations in Indiana.

(f) The bureau may not impose a pull service charge for a requested passenger motor vehicle registration plate containing the numbers set forth in IC 9-18-2-28 for a vehicle issued a license plate under IC 9-18-17 that designates the vehicle as being owned by a former prisoner of war or by the surviving spouse of a former prisoner of war.

(g) The bureau may not impose a pull service charge of more than fifteen dollars (\$15) for a requested motor vehicle registration plate issued under IC 9-18-25 for a special group recognition license plate that commemorates the bicentennial of the Lewis and Clark expedition.

SECTION 45. IC 9-29-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. The state license branch fund is established for the purpose of paying the expenses incurred in administering IC 9-16 **before January 1, 2005, and IC 9-14 after December 31, 2004**. The fund shall be administered by the commission **before January 1, 2005, and by the bureau after December 31, 2004**.

SECTION 46. IC 9-29-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. **(a) Before January 1, 2005**, there is annually appropriated to the commission the money in the fund for its use in carrying out the purposes of IC 9-16 subject to the approval of the budget agency.

(b) After December 31, 2004, there is annually appropriated to

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1 the bureau the money in the fund for its use in carrying out the
2 purposes of IC 9-14, subject to the approval of the budget agency.

3 SECTION 47. IC 34-13-3-2 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) This chapter
5 applies to a claim or suit in tort against any of the following **only if the**
6 **tort is alleged to have been committed before January 1, 2005.**

7 (1) A member of the bureau of motor vehicles commission
8 established under IC 9-15-1-1.

9 (2) An employee of the bureau of motor vehicles commission who
10 is employed at a license branch under IC 9-16, except for an
11 employee employed at a license branch operated under a contract
12 with the commission under IC 9-16.

13 **(b) After December 31, 2004, this chapter does not apply to a**
14 **claim or suit in tort against an employee employed:**

15 **(1) at a license branch; or**

16 **(2) by an employer offering partial services through electronic**
17 **means;**

18 **operated under a contract with the bureau under IC 9-16.**

19 SECTION 48. IC 36-1-8-11, AS AMENDED BY P.L.173-2003,
20 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2004]: Sec. 11. (a) This section does not apply to a county
22 treasurer governed by IC 36-2-10-23.

23 (b) As used in this section, "credit card" means a:

24 (1) credit card;

25 (2) debit card;

26 (3) charge card; or

27 (4) stored value card.

28 (c) A payment to a political subdivision or a municipally owned
29 utility for any purpose may be made by any of the following financial
30 instruments that the fiscal body of the political subdivision or the board
31 of the municipally owned utility authorizes for use:

32 (1) Cash.

33 (2) Check.

34 (3) Bank draft.

35 (4) Money order.

36 (5) Bank card or credit card.

37 (6) Electronic funds transfer.

38 (7) Any other financial instrument authorized by the fiscal body.

39 (d) If there is a charge to the political subdivision or municipally
40 owned utility for the use of a financial instrument, the political
41 subdivision or municipally owned utility may collect a sum equal to the
42 amount of the charge from the person who uses the financial

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1 instrument.

2 (e) If authorized by the fiscal body of the political subdivision or the
3 board of the municipally owned utility, the political subdivision or
4 municipally owned utility may accept payments under this section with
5 a bank card or credit card under the procedures set forth in this section.
6 However, the procedure authorized for a particular type of payment
7 must be uniformly applied to all payments of the same type.

8 (f) The political subdivision or municipally owned utility may
9 contract with a bank card or credit card vendor for acceptance of bank
10 cards or credit cards.

11 (g) The political subdivision or municipally owned utility may pay
12 any applicable bank card or credit card service charge associated with
13 the use of a bank card or credit card under this subsection.

14 (h) The authorization of the fiscal body of the political subdivision
15 is not required by the bureau of motor vehicles or the bureau of motor
16 vehicles commission (**before January 1, 2005**) to use electronic funds
17 transfer or other financial instruments to transfer funds to the political
18 subdivision.

19 SECTION 49. IC 36-2-10-23 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 23. (a) Notwithstanding
21 any other law, payments to the treasurer for any purpose, including
22 property tax payments, may be made by any of the following financial
23 instruments that the treasurer authorizes for use:

- 24 (1) Cash.
- 25 (2) Check.
- 26 (3) Bank draft.
- 27 (4) Money order.
- 28 (5) Bank card or credit card.
- 29 (6) Electronic funds transfer.
- 30 (7) Any other financial instrument authorized by the treasurer.

31 (b) If there is a charge to the treasurer for the use of a financial
32 instrument other than a bank card or credit card, the treasurer shall
33 collect a sum equal to the amount of the charge from the person who
34 uses the financial instrument.

35 (c) A treasurer may contract with a bank card or credit card vendor
36 for acceptance of bank or credit cards. However, if there is a vendor
37 transaction charge or discount fee, whether billed to the treasurer or
38 charged directly to the treasurer's account, the treasurer shall collect
39 from the person using the card an official fee that may not exceed the
40 highest transaction charge or discount fee charged to the treasurer by
41 bank or credit card vendors during the most recent collection period.
42 This fee may be collected regardless of retail merchant agreements

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1 between the bank and credit card vendors that may prohibit such a fee.
 2 The fee is a permitted additional charge under IC 24-4.5-3-202.

3 (d) Notwithstanding subsection (a), the authorization of the treasurer
 4 is not required for the bureau of motor vehicles or the bureau of motor
 5 vehicles commission **(before January 1, 2005)** to use electronic funds
 6 transfer or other financial instruments to transfer funds to the county
 7 treasurer.

8 SECTION 50. THE FOLLOWING ARE REPEALED [EFFECTIVE
 9 JANUARY 1, 2005]: IC 9-13-2-138; IC 9-14-1-6; IC 9-14-2-7;
 10 IC 9-14-3-11; IC 9-15; IC 9-16-2; IC 9-16-3; IC 9-16-4.

11 SECTION 51. [EFFECTIVE JULY 1, 2004] (a) **As used in this**
 12 **SECTION, "bureau" refers to the bureau of motor vehicles**
 13 **created by IC 9-14-1-1.**

14 (b) **As used in this SECTION, "commission" refers to the**
 15 **bureau of motor vehicles commission established by IC 9-15-1-1.**

16 (c) **On January 1, 2005, the commission is abolished and all**
 17 **powers, duties, and functions adhering to the commission are**
 18 **transferred to the bureau.**

19 (d) **On January 1, 2005, the:**

20 (1) **appropriations;**

21 (2) **records; and**

22 (3) **real and personal property;**

23 **of the commission are transferred to the bureau.**

24 (e) **Any fund under the control or supervision of the commission**
 25 **on December 31, 2004, is transferred to the control or supervision**
 26 **of the bureau on January 1, 2005.**

27 (f) **The rules adopted by the commission before January 1, 2005,**
 28 **concerning the administration of the personnel policies and**
 29 **practices of the license branches operating under the commission**
 30 **are considered, after December 31, 2004, rules of the bureau.**

31 (g) **This SECTION expires January 2, 2005.**

32 SECTION 52. [EFFECTIVE UPON PASSAGE] (a)
 33 **Notwithstanding IC 9-15-2-3, as added by this act, the bureau of**
 34 **motor vehicles commission shall adopt a personnel policy that**
 35 **includes a disciplinary procedure described in IC 9-15-2-3(d), as**
 36 **added by this act. The policy must provide that, if the result of the**
 37 **decision reached in the appeal is not agreeable to the employee, the**
 38 **employee may institute a civil action to appeal the disciplinary**
 39 **action. The bureau of motor vehicles commission shall carry out**
 40 **the duties imposed on it by IC 9-15-2-3, as added by this act, under**
 41 **interim written guidelines approved by the bureau of motor**
 42 **vehicles commissioner.**

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1 **(b) This SECTION expires on the earlier of the following:**
2 **(1) The date rules are adopted under IC 9-15-2-3, as added by**
3 **this act.**
4 **(2) January 1, 2005.**
5 **SECTION 53. An emergency is declared for this act.**

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